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KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER

SLACK, NAKO N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3635

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/090,505

Applicant(s)

STANDARD ET AL.

Examiner

Naoko Slack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 24-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

In response to the Restriction Requirement, Applicant has elected Group I , claims 1-23, without traverse. Claims 24-30 have been cancelled.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the following structures described in the specification:

“concession stand 155” (page 8, line 12);

“terminal 160” (page 8, line 15);

“vestibule 350” (page 13, line 7).

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

Claim 16 is objected to because of the following informalities: In claim 16, line 2, “statutes” should probably be - - statues - -. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,833,544A to Corbin et al. in view of US Patent 6,587,159 B1 to Dewald.

Claim 1:

Corbin et al. discloses a film and live-action theater comprising a projection screen (14, Figure 1), projectors (16, Figure 1), and a plurality of seats (15, Figure 1) positioned between the projection screen and the projector. A support structure (22, Figure 1) is positioned aside the screen and supports a plurality of special effects controlled by a master controller (42, Figure 1). An open space between the stage and seating is shown which may be used as a communal area for talking and dancing, as is common at music concerts. How the open space is used constitutes a method of intended use which does not further limit the structural features of the claimed article.

While Corbin et al. fails to specify the type of projectors used, digital cinema projection systems are well known in the art. Dewald discloses that motion picture studios prefer digital projectors for the benefits of image quality and piracy protection. It would have been obvious for one of ordinary skill in the art at the time the invention was made to use a digital projection system in the theater of Corbin et al. for the benefits of improved image quality as Corbin et al. is interested in producing an enhanced and realistic theater experience (column 1, lines 24-30).

Claim 2:

Corbin et al. discloses that props are well known in the theater arts, and illustrates a movable prop, a motorcycle (Figure 2), supported by the support structure.

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Claim 3:

Corbin et al. discloses a backstage area (18, Figure 1) behind the projection screen. How the backstage area is used constitutes a method of intended use which does not further limit the structural features of the claimed article.

Claim 4:

While Corbin et al. fails to disclose a master of ceremonies station adjacent the plurality of seats, such a podium is well known in the art. It would have been obvious for one of ordinary skill in the art to place a master of ceremonies station adjacent the plurality of seats to provide optimum visibility by patrons.

Claims 7-9:

While Corbin et al. discloses a sport related event on the screen, Corbin et al. states that the motorcycle experience is just an example of what could be used to depict a live-action theater combined with film presentation (column 1, lines 65-67). Clearly, the film selection is a matter of obvious design choice to achieve the desired effect of the particular production.

Claim 10:

Corbin et al. discloses that special lighting effects are well known in theater production (column 1, lines 23-30, and column 4, lines 20-22), pointing out that timing and synchronization are required for smooth transitions and therefore an enhanced theater experience.

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Claim 11:

Corbin et al. discloses the use of fog machines (column 4, lines 19-20 and lines 47-50).

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,833,544A to Corbin et al. in view of US Patent 6,587,159B1 to Dewald as applied to claim 1 and further in view of US Patent 3,399,887 to Altier.

Claims 5 and 6:

While Corbin et al. fails to show or disclose a lounge positioned adjacent the plurality of seats or a bar positioned adjacent the open communal area, the combination of concessions while viewing entertainment is well known in the art, typically known as dinner theaters. Altier discloses a dinner theater venue with tables, lounge/dance area surrounding a stage. In view of Altier, it would have been obvious for one of ordinary skill in the art at the time the invention was made to put a dining area, lounge and dance arrangement within the theatre to accommodate patrons, as Corbin et al. is concerned with providing an enhanced theater experience (column 1, lines 29-30).

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,833,544A to Corbin et al. in view of US Patent 6,587,159B1 to Dewald as applied to claim 1 and further in view of US Patent 5,890,323 to Errato.

Claim 12:

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While Corbin et al. fails to disclose that the plurality of seats are adaptably positioned to simulate a plurality of venues, Errato discloses repositionable seating to accommodate different venues (column 1, lines 24-33). In view of Errato, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use repositionable seating in the theater of Corbin et al. for accommodating various venues, as Corbin et al. is motivated to enhance the audience perception that they are participating in the performance (column 1, lines 14-15).

Claims 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,833,544A to Corbin et al. in view of US Patent 5,890,323 to Errato.

Claim 13:

Corbin et al. discloses a film and live-action theater comprising a projection screen (14, Figure 1), projectors (16, Figure 1), and a plurality of seats (15, Figure 1) positioned between the projection screen and the projector. A support structure (22, Figure 1) is positioned aside the screen and supports a plurality of special effects controlled by a master controller (42, Figure 1).

While Corbin et al. fails to disclose that the plurality of seats are adaptably positioned to simulate a plurality of venues, Errato discloses repositionable seating to accommodate different venues (column 1, lines 24-33). In view of Errato, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use repositionable seating in the theater of Corbin et al. for accommodating various

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venues, as Corbin et al. is motivated to enhance the audience perception that they are participating in the performance (column 1, lines 14-15).

Claim 14:

Corbin et al. is motivated to enhance the audience perception that they are participating in the performance (column 1, lines 14-15). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to decorate the theater with thematic props to enhance a realistic experience.

Claims 15-17:

The type of scenic elements used to decorate the theater comprises a matter of design choice, dictated by the particular entertainment venue. It would have been obvious for one of ordinary skill in the art at the time the invention was made to use sculptures, statues, and mannequins to produce the desired environment.

Claims 18 and 20:

Corbin et al. discloses that special lighting effects are well known in theater production (column 1, lines 23-30, and column 4, lines 20-22), pointing out that timing and synchronization are required for smooth transitions and therefore an enhanced theater experience.

Claim 19:

Corbin et al. discloses the use of fog machines (column 4, lines 19-20 and lines 47-50).

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Claims 21-23:

While Corbin et al. discloses a sports related event, Corbin et al. states that the motorcycle experience is just one example of what could be used to depict a live-action theater combined with film presentation (column 1, lines 65-67). Clearly, whether the theater is used as a dance club, concert hall, or sports arena is a matter of obvious design choice.

***Prior Art Made of Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 3,754,756 to Szigety discloses a theatrical screen for combining live action and projected pictures. US Patent 4,962,420 to Judenich discloses a theatrical video information system with props.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
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